

House File 15

HOUSE FILE _____
BY PETERSEN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring licensed and registered child care facilities to
2 identify how financial responsibility for injuries is
3 addressed.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1079HH 82
6 jp/sh/8

PAG LIN

1 1 Section 1. Section 237A.12, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. i. Financial responsibility when the child
1 4 care facility has liability for an injury to a child receiving
1 5 care or to another person. The financial responsibility shall
1 6 be addressed by one of the following:
1 7 (1) The maintenance of liability insurance coverage by the
1 8 facility that complies with reasonable minimum amounts
1 9 identified in rule.
1 10 (2) The maintenance of a surety bond by the facility for
1 11 the liability that complies with reasonable minimum amounts
1 12 identified in rule.
1 13 (3) A lack of insurance coverage or surety bond for the
1 14 liability or a lack of insurance coverage or a surety bond
1 15 that complies with the minimum amount identified under
1 16 subparagraph (1) or (2). In order to comply with the
1 17 requirement under this paragraph "i", a child care facility
1 18 lacking such minimum coverage or bond shall provide to the
1 19 parent, guardian, or custodian of all children receiving care
1 20 written notice of the lack of or the exact amount of insurance
1 21 coverage or surety bond maintained. The written notice shall
1 22 be provided prior to a child receiving care and prior to
1 23 implementing a change in the amount of coverage or surety
1 24 bond. The facility shall have available for inspection signed
1 25 verification by each child's parent, guardian, or custodian
1 26 acknowledging that the notice was read and understood.

EXPLANATION

1 28 This bill requires licensed and registered child care
1 29 facilities to address financial responsibility for injuries.
1 30 Code section 237A.12, relating to requirements for the
1 31 department of human services to adopt rules setting minimum
1 32 standards for child care regulated by the department, is
1 33 amended. The bill adds to the list of requirements for child
1 34 care facilities (defined by Code chapter 237A as licensed
1 35 child care centers, preschools, and registered child
2 1 development homes), a requirement for the facilities to
2 2 identify how financial responsibility is addressed in
2 3 connection with liability for injuries.
2 4 The requirement can be met by the facility having liability
2 5 insurance coverage or a surety bond, both meeting minimum
2 6 amounts identified in rules. Otherwise, if the facility does
2 7 not have either the insurance coverage or the bond or the
2 8 coverage or bond does not meet the required amounts, the
2 9 facility must provide and verify notice has been received by
2 10 the child's parent, guardian, or custodian regarding the lack
2 11 or the exact amount of the coverage or bond.
2 12 LSB 1079HH 82
2 13 jp:nh/sh/8